IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL SECOND APPEAL No. 326 of 2006

MUNICIPAL COUNCIL PALI
V/S
SMT. MANJULATA & ORS

Mr. YASHWANT MEHTA, for the appellant / petitioner

Date of Order : 17.11.2006

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the appellant, and perused the impugned judgments and decrees.

Learned courts below have granted injunction against the Municipality prohibiting it from interfering with the plaintiff's possession over the plot in question for which the plaintiff claims to have obtained Patta from Gram Panchayat Hemawas way back on 20.11.1988 and additional Patta on 16.11.1991. The dispute raised by the defendant appellant was that the possession of the plaintiff was denied, and it was contended that before filing of the suit the plaintiff tried to encroach upon the land, grant of Patta was denied, and Patta was claimed to be forged. Both the learned courts below have negatived the

contention of the appellant, and have believed the Patta, and have also found that admittedly no proceedings have been taken for getting the Patta cancelled.

In my view the findings recorded by the two learned courts below are pure findings of fact, and are not shown to have been vitiated on any of the grounds available under Section 100 C.P.C. The appeal thus has no force, and is dismissed summarily.

(N P GUPTA),J.

/Sushil/